

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
JAMILLA CLARK and ARWA AZIZ, on Behalf of  
Themselves and Others Similarly Situated,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/3/2025

18 Civ. 2334 (AT)

**ORDER**

By order dated November 19, 2024, the Court granted final approval of the parties' class action settlement. ECF No. 358. On February 21, 2025, Class Counsel wrote the Court to ask that Eitedal Abdelrahim either be excluded from the settlement or, alternatively, be included in the settlement "based on a good faith misunderstanding of discussions [she had] with Class Counsel." ECF No. 368. The City of New York consents to including Ms. Abdelrahim in the class but opposes granting her leave to opt out at this late date. ECF No. 369.

As the Court has previously explained, it enjoys "broad supervisory powers with respect to the administration and allocation of settlement funds." *In re Holocaust Victim Assets Litig.*, 413 F.3d 183, 185 (2d Cir. 2005). In determining whether to excuse a class member's failure to timely opt out of a class settlement, the Court considers "the danger of prejudice . . . , the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith." *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993).

Here, allowing Ms. Abdelrahim to opt out of the settlement would prejudice the City by exposing it to additional liability. *See* ECF No. 369. Conversely, allowing Ms. Abdelrahim to be included in the settlement would not cause prejudice, as the City will not need to pay more to settle her claims. *See* ECF No. 368. The Court has no doubt that Ms. Abdelrahim acted in good faith, but considering her fairly extensive delay in requesting relief, and the fact that allowing her to participate in the settlement would compensate her for her injury without prejudicing the City, the Court denies Ms. Abdelrahim's untimely request to opt out of the class.

Accordingly, the Settlement Administrator is directed to include Ms. Abdelrahim in the class.

SO ORDERED.

Dated: March 3, 2025  
New York, New York

  
ANALISA TORRES  
United States District Judge